

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor,

IRVING H. PICARD, Trustee for the Substantively  
Consolidated SIPA Liquidation of Bernard L. Madoff  
Investment Securities LLC and the Chapter 7 Estate of  
Bernard L. Madoff,

Plaintiff,

v.

NATIONAL BANK OF KUWAIT S.A.K.,

Defendant.

SIPA LIQUIDATION

Adv. Pro. No. 08-01789 (CGM)

(Substantively Consolidated)

Adv. Pro. No. 11-02554 (CGM)

**STIPULATION AND ORDER**

Irving H. Picard, as trustee (the “Trustee”) for the substantively consolidated liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa-lll, and the Chapter 7 estate of Bernard L. Madoff, and National Bank of Kuwait S.A.K. (“NBKK”), the defendant in this action, and NBK Banque Privée (Suisse) S.A. (“NBKS”) by and through their respective undersigned counsel, hereby stipulate and agree as follows:

**WHEREAS**, NBKK consents to the Trustee filing an Amended Complaint.

**IT IS HEREBY STIPULATED AND AGREED** that:

1. The Trustee will file his amended complaint on or before July 11, 2022.
2. Under the Amended Complaint, NBKS shall be added to the case as a defendant.

Upon the filing of the Amended Complaint, the Clerk of the Court is hereby directed to amend the case caption as reflected on Exhibit A to this Stipulation and Order.
3. Undersigned counsel for NBKS represents that he has authority to accept service of the Amended Complaint on behalf of NBKS, and will be deemed to have accepted service of the Amended Complaint on behalf of NBKS upon the filing of the Amended Complaint.
4. NBKK and NBKS (collectively, the “Defendants”) will answer, move, or otherwise respond to the amended complaint on or before September 14, 2022. The Trustee will file any opposition to the Defendants’ motion on or before November 14, 2022. Defendants will file any reply brief in support of its motion on or before December 14, 2022.
5. The Trustee and Defendants will seek oral argument on any motion to dismiss at the earliest date convenient to the Court.
6. Except as expressly set forth herein, the Trustee and Defendants reserve all rights and defenses they may have, and entry into this Stipulation shall not impair or otherwise affect such rights and defenses, including without limitation any defenses based on lack of jurisdiction.
7. The above deadlines granted by this Stipulation and Order are without prejudice to either party seeking future extensions of time.

Dated: July 1, 2022  
New York, New York

/s/ *Matthew D. Feil*  
Baker & Hostetler LLP  
45 Rockefeller Plaza  
New York, New York 10111  
Telephone: (212) 589-4200  
Facsimile: (212) 589-4201  
David J. Sheehan  
Email: dsheehan@bakerlaw.com  
Matthew Feil  
mfeil@bakerlaw.com

*Attorneys for Irving H. Picard,  
Trustee for the Substantively  
Consolidated SIPA Liquidation of  
Bernard L. Madoff Investment  
Securities LLC and the Chapter 7  
Estate of Bernard L. Madoff*

/s/ *Richard A. Cirillo*  
Cirillo Law Office  
246 East 33<sup>rd</sup> Street – 1 FR  
New York, NY 10016-4802  
Richard A. Cirillo  
Telephone: 917-541-6778  
Email: rcirillo@cirillo-law.com

*Attorney for National Bank of Kuwait S.A.K.  
and NBK Banque Privée (Suisse) S.A.*

**SO ORDERED.**

**Dated: July 7, 2022  
Poughkeepsie, New York**



/s/ **Cecelia G. Morris**

**Hon. Cecelia G. Morris  
U.S. Bankruptcy Judge**